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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,579	12/20/2001	Frank F. Molock	VTN 571	1779

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EXAMINER

VARGOT, MATHIEU D

ART UNIT PAPER NUMBER

1732

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/027,579

Examiner

Mathieu D. Vargot

Applicant(s)

MOLOCK ET AL.

Art Unit

1732

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 2/17/2005 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The claims are rejected for reasons already noted. The instant declaration only shows that HEMA with a molecular weight (MW) greater than 300,000 would not dissolve in the solvents used in Thakrar. However, rather than showing unexpected results for the instant claims, such merely indicates that HEMA with a MW greater than 300,000 WAS NOT used in Thakrar. One would not choose material which would make a disclosed process inoperative. Applicant has not shown any criticality for the instant MW--in fact, claim 42 does not contain any recitation to MW of the binding polymer. Concerning the solvents, it is submitted that one of ordinary skill in this art would have known of the different ones available and would have employed the necessary solvent(s), including mixtures, required to dissolve the binding polymer. Hence, arguments that Thakrar does not disclose a mixture of solvents are not indicative of error in the rejection applied. Claims 24-26, 29, 30 and 41-43 continue to be rejected, with claims 1-23 and 31-40 being withdrawn.

M. Vargot
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3/9/05